

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FREE TRANSMITTAL

for FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 400.00

Complete if Known

Application Number **09/391,059**
Filing Date **September 7, 1999**
First Named Inventor **Vasudevan Parthasarathy**
Examiner Name **Edith M. Chang**
Art Unit **2611**
Attorney Docket No. **RCA 88,495**

METHOD OF PAYMENT (check all that apply)

CUSTOMER NUMBER: 24498

☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account: Deposit Account Number **07-0832**

Deposit Account Name: **THOMSON LICENSING INC.**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17

☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity
Fee (\$)

Each independent claim over 3 (including Reissues)

Fee (\$)

Multiple dependent claims

Fee (\$)

Total Claims

Extra Claims

Fee (\$)

Fee Paid (\$)

_____ - 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Multiple Dependent Claims

Fee (\$)

Fee Paid (\$)

Independent Claims

Extra Claims

Fee (\$)

Fee Paid (\$)

_____ - 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 = _____	(round up to a whole number) x _____	_____	_____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): **PETITION FEE**

Fees Paid (\$)

400.00

SUBMITTED BY

Name (Print/Type)	JOSEPH J. OPALACH	Registration No. (Attorney/Agent)	36,229	Telephone	(609) 734-6839
Signature					August 7, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CUSTOMER NO.: 24498
Serial No.: 09/391,059

PATENT
RCA 88,495



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Vasudevan Parthasarathy et al.

Serial No.: 09/391,059

Group Art Unit: 2611

Filed: September 7, 1999

Examiner: Edith M. Chang

For: CODE MAPPING IN A TRELLIS DECODER

PETITION FOR WITHDRAWAL OF DRAWING OBJECTION UNDER
37 C.F.R. §§ 1.113, 1.181, M.P.E.P. § 1002.02(C)

Attention: Director Technology Center 2600
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants, through their undersigned attorney, hereby petition, pursuant to 37 C.F.R. §§ 1.113, 1.181, and M.P.E.P. § 1002.02(c), that the drawing objection in the Official Action dated June 13, 2006 for U.S. Patent Application No. 09/391,059 be withdrawn.

Applicants have filed this petition within two months of the Official Action dated June 13, 2006. Applicants have previously requested reconsideration but the Examiner has maintained this objection now through three Official Actions. Applicants hereby authorize the Director to charge Deposit Account No. 07-0832 for the petition fee in accordance with 37 C.F.R. § 1.17(h).

The Examiner has objected to figures 1, 4 to 10 and 12-15 of U.S. Patent Application No. 09/391,059 as requiring a "prior art" label simply because Applicants' figure 1 "looks" the same as figure 1 of U.S. Patent No. 5,914,988, issued June 22, 2009, to Hu et al.. Applicants have continued to point out to the Examiner that Applicants' application clearly states that

[f]igure 1 shows a video receiver trellis decoder system 24, **according to the invention**, for decoding multiple interleaved datastreams such as data encoded according to the HDTV Standard, for example.

Applicants' specification, p. 4, lns. 26-28, emphasis added.

Applicants' statement cannot be more clear — **Figure 1 illustrates an embodiment of the invention** and, as such, is not prior art even if figure 1 happens to look like a figure in another issued U.S. Patent.


It is respectfully submitted that the present Petition, Declaration and Exhibits enclosed herewith comply with the requirements of 37 C.F.R. § 1.181. Thus, Petitioner respectfully requests that the Commissioner grant this Petition and withdraw the objection to the drawings for U.S. Patent Application No. 09/391,059.

Please charge the \$400 fee for the filing of this Petition, credit any overpayments, and charge any additional fees to Deposit Account No. 07-0832.

Respectfully submitted,

Vasudevan Parthasarathy et al.

By:


Joseph J. Opalach
Registration No.: 36,229
(609) 734-6839

JJO:pdf

Patent Operations
THOMSON Licensing, Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312

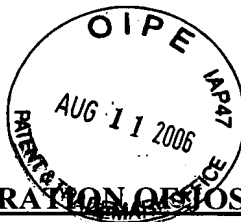
August 7, 2006

CERTIFICATE OF MAILING

I hereby certify that this Petition is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Director Technology Center 2600, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

August 8, 2006
Date


Patricia M. Fedorowycz



DECLARATION OF JOSEPH J. OPALACH

Sir:

I, Joseph J. Opalach, declare and say that:

1. My declaration is made in support of this petition for withdrawal of the objection to the drawings for U.S. Patent Application No. 09/391,059 (the *Application*).

2. I am registered to practice before the U.S. Patent and Trademark Office, Registration No. 36,229, and I am currently employed as a Senior Patent Attorney by Thomson Licensing Inc. (located in Princeton, N.J., U.S.A.). The *Application* is currently assigned to my docket.

3. In three Official Actions dated March 9, 2005, September 19, 2005 and June 13, 2006, the Examiner has objected to figures 1, 4 to 10 and 12 to 15 as requiring a "prior art" label. In the Official Action dated September 19, 2005, the Examiner referred to the figures found in U.S. Patent No. 5,914,988 issued June 22, 1009 to Hu et al. (*Hu*).

4. In Applicants' two responses dated June 3, 2005, and December 9, 2005, and Applicants' current response dated on, or about, August 6, 2006, Applicants declined to amend figures 1, 4 to 10 and 12 to 15 and sought reconsideration.

5. Exhibit One shows figure 1 of the *Application* and figure 1 of *Hu* annotated with a dashed arrows. As indicated by the dashed arrows, both figure 1 of the *Application* and figure 1 of *Hu* includes a trellis demapper 60.

6. Exhibit Two shows a side-by-side comparison of trellis demapper 60 of the *Application* and trellis demapper 60 of *Hu*.

7. As supported by Exhibit Two, trellis demapper 60 of the *Application* is different from trellis demapper 60 of *Hu*. Therefore, trellis demapper 60 shown in figure 1 of the *Application* is not the same as trellis demapper 60 shown in figure 1 of *Hu*. Therefore, figure 1 of the *Application* does not show prior art.

8. Exhibit Three shows pages 6 and 7 of Applicants current response to the Official Action dated June 13, 2006.

9. As supported by Exhibit Three, figure 1 of the *Application* does not show prior art.

CUSTOMER NO.: 24498
Serial No.: 09/391,059

PATENT
RCA 88,495

10. As further supported by Exhibit Three, it is improper for the Examiner to require Applicants' to label figures 1, 4 to 10 and 12-15 as "prior art".

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated 8/7/06

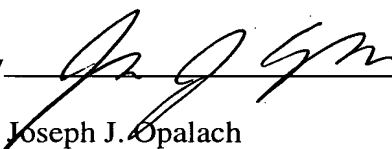
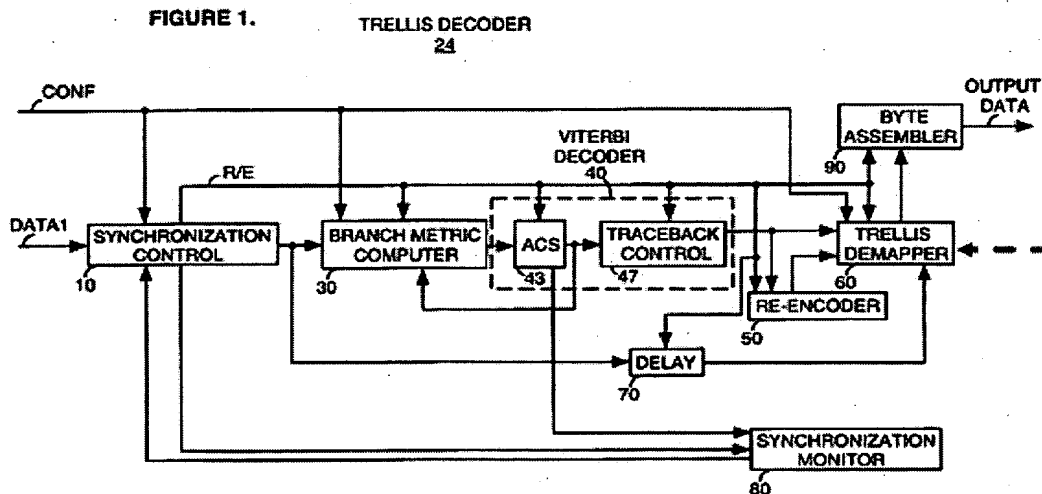
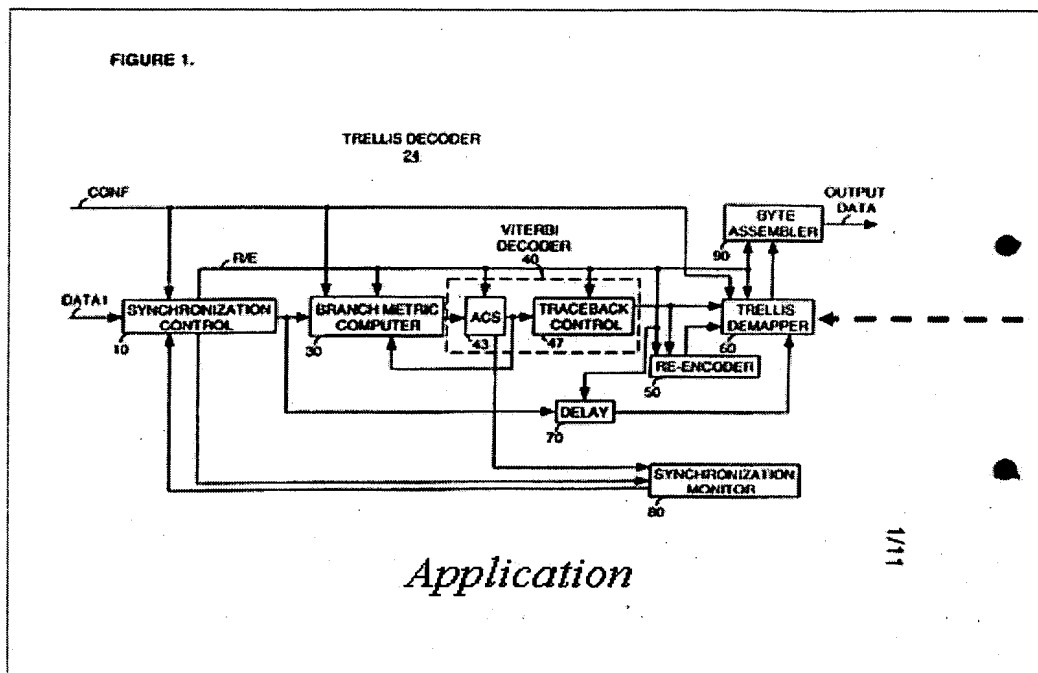
By 
Joseph J. Opalach
Registration No.: 36,229
(609) 734-6839



EXHIBIT ONE



Hu

U.S. Patent

Jun. 22, 1999

Sheet 1 of 11

5,914,988

EXHIBIT TWO

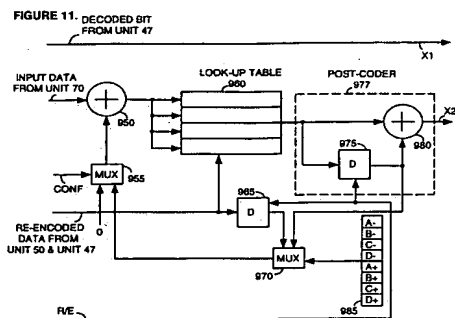


EXHIBIT THREE

Application No. 09/391,059

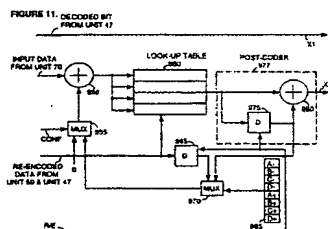
RCA 88495

REMARKS

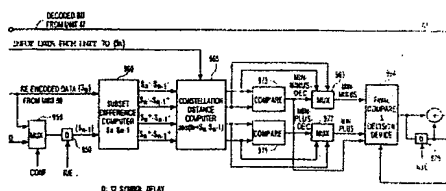
As stated in the Official Action dated June 13, 2006, claims 1-16 and 18-19 have been allowed and the application is in condition for allowance except for the Examiner's continued objection to the drawings.

In particular, the Examiner continues to maintain the objection to figures 1, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14 and 15 because, according to the Examiner, only that which is old is illustrated and, as such, these figures should have the label -- Prior Art --. With regard to this objection, Applicants' representative notes that the Examiner, in the FINAL Office Action dated September 19, 2005, points to U.S. Patent No. 5,914,988 issued June 22, 1009 to Hu et al. (*Hu*) as having figures that look the same. Applicants' representative respectfully continues to decline to add such a label.

First, while figure 1 of *Hu* and Applicants' figure 1 appear to be the same -- they represent different inventions. Indeed, trellis demapper 60 of figure 1 of Applicants' application is **different** from trellis demapper 60 of figure 1 of *Hu*. The fact that they are different is easily shown by a comparison of the figures detailing the respective trellis demappers, shown below. As is readily seen from the side-by-side comparison (shown below), Applicants' trellis demapper 60 is different from trellis demapper 60 of *Hu*. This comparison is shown below.



Trellis demapper 60 of *Hu*



Applicants' Trellis demapper 60

Thus, notwithstanding the fact that the same label (trellis demapper 60) is used - the fact is that trellis demapper 60 of Applicants' figure 1 is **different** from trellis demapper 60 of figure 1 of *Hu* and, as such, Applicants' figure 1 is not prior art.

EXHIBIT THREE (continued)

Application No. 09/391,059

RCA 88495

Second, the Examiner's objection is improper. Applicants' application clearly states that

[f]igure 1 shows a video receiver trellis decoder system 24, **according to the invention**, for decoding multiple interleaved datastreams such as data encoded according to the HDTV Standard, for example.

Applicants' specification, p. 4, lns. 26-28, emphasis added.

Applicants' statement cannot be more clear — **Figure 1 illustrates an embodiment of the invention** and, as such, is not prior art.

Likewise, Figures 4, 5, 6, 7, 8, 9, 10, 13, 14 and 15 relate to the operation of the apparatus shown in Figure 1 and are not prior art. Finally, Figure 12 clearly shows trellis decoder 24 of Figure 1 — which is not prior art — and, as such, Figure 12 is not prior art. In view of the above, the Examiner is wrong to require that Applicants add a "Prior Art" label to these figures.

In view of the above, Applicants request that the objection to the drawings be removed.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted
Parthasarathy et al.

By _____

Joseph J. Opalach
Registration No.: 36,229
(609) 734-6839

Patent Operations